

Remarks

The Cited Reference is not Prior Art Under 35 U.S.C. §102(e).

The Office action rejected claims 10 and 12-17 under 35 U.S.C. §102(e) as being anticipated by U.S. Published Patent Application US 2004/0109800, now U.S. Patent No. 7,247,279 issued to Pahlman et al. (“Pahlman”).

As the Office action notes, prior art under 102(e) is limited to patents granted on applications “by another.” Because the inventors of this application are both also inventors on the Pahlman reference, this rejection can be overcome by a showing that the relevant disclosure in Pahlman was derived by the inventors of this application.

In the attached affidavits, both inventors of this application swear that they are the inventors of any subject matter disclosed but not claimed in Pahlman that is claimed in this application. Therefore Pahlman can not be considered an “application for patent by another.”

In light of the above, applicants respectfully submit that claims 10-17 are in condition for allowance. As these are the only claims pending in the application, Applicants request issuance of a Notice of Allowance.

If any additional fees are required to enter the present amendment, applicant hereby authorizes the office to charge our Deposit Account No. 061910. If the Examiner feels prosecution of the present application can be materially advanced by telephonic interview the undersigned would welcome a call at the number listed below.

Respectfully submitted,

Dated: April 11, 2008

/Frank P. Piskolich/

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